

Brent H. Blakely (SBN 157292)
bblakely@blakelylawgroup.com
Cindy Chan (SBN 247495)
cchan@blakelylawgroup.com
BLAKELY LAW GROUP
915 North Citrus Avenue
Hollywood, California 90038
Telephone: (323) 464-7400
Facsimile: (323) 464-7410

NOTE: CHANGES MADE BY THE COURT

*Attorneys for Plaintiff
Coach Services, Inc.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COACH SERVICES, INC., a Maryland
Corporation,

Plaintiff,

vs.

AIDA INTERNATIONAL GROUP
INC., a California corporation; MING
ZHANG, an individual; and DOES 1-10,
inclusive,

Defendants.

CASE NO. 2:09-cv-09203-JHN-RZx

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT RE DEFENDANTS'
LIABILITY FOR TRADEMARK
INFRINGEMENT**

Honorable Jacqueline H. Nguyen

The matter is before the Court on Plaintiff's Motion for Partial Summary Judgment re Defendants' Liability for Trademark Infringement. (Docket no. 32.) The Court previously issued an Order to Show Cause and vacated the hearing in this matter, in response to Defendants' failure to file an Opposition to the Motion. (Docket no. 44.) Defendants have now filed a Statement of Non-Opposition. (Docket no. 45.) The Court has considered the motion and evidence filed in this matter, as well as Defendants' Statement of Non-Opposition, and deems the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); Local Rule 7-15. The Court hereby GRANTS the Motion and finds as follows:

1 1. Plaintiff Coach Services, Inc. (“Coach”) has the exclusive right to use,
2 enforce, and benefit from the Signature “C” Mark (U.S. Reg. Nos. 2,832,589 and
3 3,695,290) for goods including but not limited to eyewear.

4 2. The registrations for the Signature “C” Mark are valid and subsisting and
5 are incontestable.

6 3. Defendants Aida International Group, Inc. and Ming Zhang have
7 imported, distributed, promoted, offered for sale, and/or sold products bearing
8 confusingly similar reproductions of the Signature “C” Mark on more than one
9 occasion.

10 4. Products detained and seized by US Customs from entry number ES3-
11 5202843-6 that Defendants attempted to import into the United States in or around
12 August of 2009 are counterfeit.

13 5. Products bearing Item Nos. D010, IN2357, 22167, 2383CO/FR, 22166,
14 22174, SM 6165, D293GR, and IN2394 that were purchased from Defendants on
15 November 5, 2009 are counterfeit.

16 6. Products bearing marks on goods seized from entry number ES3-
17 5202843-6 as well as products bearing Item Nos. D010, IN2357, 22167, 2383CO/FR,
18 22166, 22174, SM 6165, D293GR, and IN2394 that were purchased from Defendants
19 on November 5, 2009 shall hereinafter collectively be referred to as “Infringing
20 Products.”

21 7. Defendant Ming Zhang is the active, moving, and conscious force behind
22 the infringing activities of Defendant Aida International Group, Inc.

23 8. Coach is entitled to summary judgment as to the issue of liability against
24 Defendants for Trademark Infringement in violation of the Lanham Act.

25 9. Coach is entitled to recovery of its damages in an amount to be proven at
26 a later time.

27 10. Coach is entitled to a Permanent Injunction pursuant to 15 U.S.C. § 1116
28 and 17 U.S.C. § 502 as follows: Defendants and their agents, servants, employees and

1 all persons in active concert and participation with them who receive actual notice of
2 this Order are hereby permanently restrained and enjoined from:

3 (a) Manufacturing, producing, importing, purchasing, distributing,
4 advertising, offering for sale, and/or selling any Infringing Products and/or products
5 bearing marks/designs identical, and/or confusingly similar to the Signature “C” Mark;

6 (b) Using the Signature “C” Mark or any reproduction, counterfeit,
7 copy or colorable imitation thereof in connection with the manufacture, importation,
8 distribution, advertisement, offer for sale and/or sale of merchandise;

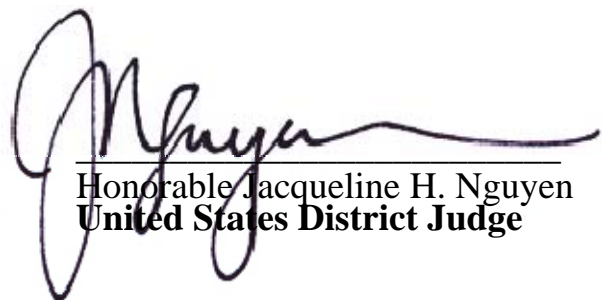
9 (c) Committing any other acts calculated to cause purchasers to believe
10 that Defendants’ products are genuine Coach products unless they are such;

11 (d) Shipping, delivering, holding for sale, distributing, returning,
12 transferring or otherwise moving, storing or disposing of in any manner the Infringing
13 Products or items falsely bearing the Signature “C” Mark, or any reproduction,
14 counterfeit, copy or colorable imitation thereof; and

15 (e) Assisting, aiding or attempting to assist or aid any other person or
16 entity in performing any of the prohibited activities referred to in (a) to (d) above.

17
18 IT IS SO ORDERED.

19
20 DATED: December 15, 2010


Honorable Jacqueline H. Nguyen
United States District Judge